

UNITED STATES TRUSTEE REQUIREMENT CHECKLIST

A. Within ten (10) days of the date of the mailing of these Guidelines, debtor shall submit to the United States Trustee:

- ___1. Proof that the insurance coverage required by these Guidelines is in effect. Debtor shall maintain, where appropriate, the following minimum coverage:
 - ___a. General comprehensive liability;
 - ___b. Casualty and theft;
 - ___c. Workers' compensation;
 - ___d. Vehicle;
 - ___e. Product liability;
 - ___f. Flood insurance; and
 - ___g. Other coverage customary or prudent in debtor's business
- ___2. Proof of closing pre-petition bank accounts and opening new debtor-in-possession bank accounts. Debtor-in-possession accounts must be opened and maintained at a United States Trustee approved depository. See Attachment C
- ___3. Copies of debtor's most recent audited and unaudited financial statements.

B. Within thirty (30) days from the date of the mailing of these Guidelines debtor shall submit to the United States Trustee:

- ___1. Copies of Federal income tax returns for the two (2) years prior to filing;
- ___2. A physical inventory, if requested by the United States Trustee; and
- ___3. If tenant-occupied property is owned, a current rent roll

C. On the 20th day of every month, until confirmation or as otherwise directed by the Court, debtor shall file with the Court and serve on the United States Trustee, a Monthly Financial Report that includes copies of bank statements, tax deposit and payment receipts, and insurance payment receipts.

- ___1. Corporate or partnership debtors must file a Monthly Financial Report (Business)
- ___2. Individuals not engaged in business must file a Monthly Financial Report for Individual Debtors

____3. Individuals engaged in business (sole proprietors) must file both a Monthly Financial Report (Business) and a Monthly Financial Report for Individuals

D. No later than one (1) month following the end of each calendar quarter, debtors are required to remit to the United States Trustee, P.O. Box 198246, Atlanta, GA 30384, quarterly fees in an amount calculated according to the following table as provided for in 28 U.S.C. § 1930 (a)(6):

<u>TOTAL QUARTERLY DISBURSEMENTS</u>			<u>QUARTERLY FEE</u>
\$	0.00	to 14,999.99	\$ 250
\$	15,000.00	to 74,999.99	\$ 500
\$	75,000.00	to 149,999.99	\$ 750
\$	150,000.00	to 224,999.99	\$ 1,250
\$	225,000.00	to 299,999.99	\$ 1,500
\$	300,000.00	to 999,999.99	\$ 3,750
\$	1,000,000.00	to 1,999,999.99	\$ 5,000
\$	2,000,000.00	to 2,999,999.99	\$ 7,500
\$	3,000,000.00	to 4,999,999.99	\$ 8,000
\$	5,000,000.00	and above	\$ 10,000

OPERATING GUIDELINES AND REPORTING REQUIREMENTS FOR DEBTORS IN POSSESSION AND TRUSTEES

Title 28, § 586(a)(3) of the United States Code, directs the United States Trustee to supervise the administration of all Chapter 11 cases. To comply with this charge, the United States Trustee for Region 21 has established these Operating Guidelines and Reporting Requirements for Chapter 11 debtors and trustees. Chapter 11 debtors, trustees, and their attorneys must notify the United States Trustee of significant matters affecting their case. The United States Trustee must be served with copies of all papers filed in the case, except as otherwise directed by the Court or the United States Trustee.

Timely compliance with these requirements is essential. Failure to comply may result in motions to dismiss or convert this case for liquidation under Chapter 7, for the appointment of a Chapter 11 trustee or examiner, or for imposition of sanctions. If you believe that the requirements should be waived or varied in your case, you should immediately submit a written request to the Office of the United States Trustee at:

**Office of United States Trustee
227 N. Bronough Street, Suite 1038
Tallahassee, Florida 32301**

GUIDELINES AND OPERATING REQUIREMENTS

1. LIST OF CREDITORS When the petition is filed, a list of the debtor's twenty (20) largest unsecured creditors, excluding insiders, must be filed with the Clerk of the Bankruptcy Court. The complete name, address, and telephone number of each creditor must be included.
2. INITIAL DEBTOR INTERVIEW In chapter 11 cases, the United States Trustee will meet with debtor and debtor's counsel prior to the Section 341 meeting of creditors to obtain requested information and ensure that debtor understands the requirements of these Guidelines. The United States Trustee will notify debtor and debtor's counsel of the time and date of this meeting.
3. BOOKS AND RECORDS Debtor's books and records must be closed as of the petition date and new books and records opened. The old books and records must be retained and be available to the United States Trustee.
4. BANK ACCOUNTS All pre-petition bank accounts controlled by debtor must be closed immediately upon the filing of the petition, and Debtor shall immediately open new debtor-in-possession operating, payroll and tax accounts. In addition, individual debtors engaged in business as sole proprietors should open a separate debtor-in-possession account for payment of personal

living expenses. All business revenues must be deposited into the general operating account, with amounts needed to fund the other accounts being transferred to those accounts as necessary.

The checks for each account must bear the words "debtor in possession" and the bankruptcy case number. Disbursements other than by numbered check are prohibited. Counter checks are prohibited. Requests to use, create or maintain petty cash accounts must be submitted to the United States Trustee in writing. Each account must be located in an approved depository. A list of approved depositories is available from the United States Trustee.

Within ten (10) days of the mailing of these Guidelines, debtor must provide the United States Trustee with a sworn statement describing all pre-petition accounts by depository name, account number and account name, verifying that each such pre-petition account has been closed. See Attachment C.

5. PROOF OF INSURANCE Within ten (10) days of the mailing of these Guidelines, debtor must provide the United States Trustee with proof of the insurance coverage required by these guidelines. The proof must disclose, at a minimum, the effective date and the termination date of the coverage; the type and limits of coverage provided, and the identity of all loss payees. Binders must be accompanied by paid receipts. Debtor should instruct its insurance companies to list the United States Trustee as a Certificate Holder. Upon expiration or other termination of any coverage, debtor shall immediately provide the United States Trustee with adequate proof of replacement coverage. Debtor shall maintain at least the following coverages, where appropriate:

- a. General comprehensive liability;
- b. Casualty and theft;
- c. Workers' compensation;
- d. Vehicle;
- e. Product liability;
- f. Flood insurance; and
- g. Other coverage customary or prudent in the debtor's business, or required by law.

6. PHYSICAL INVENTORY Within thirty (30) days of filing the petition, debtor, if requested by the United States Trustee, shall provide the United States Trustee with a physical inventory as of the petition date. The inventory shall be itemized and indicate cost values.

7. RENTAL PROPERTY RECORDS Debtors who own commercial or residential rental property shall provide the United States Trustee with a rent roll as of the petition date within thirty (30) days of the mailing of these Guidelines. The rent roll shall consist of (1) a description of each property owned, (2) rental price of each unit, (3) security or other deposits held, (4) occupancy and payment status of each unit, (5) name, address, and phone number of management company, if any, and (6) the monthly management fee for each unit.

8. MONTHLY FINANCIAL REPORTS Debtor must file an original monthly financial report with the Clerk of the Bankruptcy Court, and serve a copy upon the United States Trustee. The monthly reports must be prepared using the forms in the Appendix of Forms attached to these

Guidelines. Debtors who operate a sole proprietorship must complete and file both a Monthly Financial Report for Business and a Monthly Financial Report for Individuals. The monthly report is based on a calendar month (e.g. January 1 - January 31), and all reports must be filed by the 20th day of the month following the reporting period. Additional financial information may be required by the United States Trustee.

Debtors have a continuing obligation to file monthly financial reports until the court approves and confirms the Plan of Reorganization. After confirmation, instead of the monthly financial report, debtors are required to file a monthly Statement of Disbursements, including all payments made under the Plan of Reorganization. These statements must be filed until the court either enters a Final Decree, dismisses the case, or converts the case to another chapter in bankruptcy. The original statement must be filed with the Clerk of the Bankruptcy Court, and a copy served upon the United States Trustee. The statements must be filed by the 20th day of the month following the reporting period. A Statement of Disbursements form is included in the Appendix of Forms attached to these Guidelines.

9. TAXES Upon payment of any payroll, debtor shall transfer from the operating account to the debtor's tax account sufficient funds to pay any liability associated with the payroll. Taxes shall be paid from the tax account accompanied by appropriate tax deposit coupons. State and local taxes shall also be paid from the tax account. Sales and use taxes shall be deposited to the tax account at least weekly. All tax returns and reports must be timely filed and accompanied by payment in full of any liability. A copy of each return and verification of payment of taxes due must be served on the United States Trustee.

10. EMPLOYMENT OF PROFESSIONALS AND PRINCIPALS A copy of any application to employ or compensate a professional (including, but not limited to, lawyers, accountants, appraisers, auctioneers, and consultants) must be served upon the United States Trustee. Applications to employ such persons must be filed prior to any services being rendered to debtor.

Each applicant's affidavit must disclose any relationship or contact applicant has with debtor, any creditor, party in interest, their attorneys and accountants, and employees of the United States Trustee. **A general statement that the applicant is disinterested and does not represent an interest adverse to the estate is insufficient.**

Debtor shall provide the following information regarding employment and compensation of its principals: name and position of the individual; detailed description of the duties and responsibilities; reasons why employment of the individual is necessary for successful reorganization; details of the compensation sought; details of any other benefits or consideration to be received, including but not limited to use of vehicles, housing, expense reimbursement, insurance, and pension or profit sharing; and, each individual's salary and benefit history for the year immediately preceding the filing of the petition.

11. PRE-PETITION FINANCIAL STATEMENTS Within ten (10) days of the mailing of these Guidelines, debtor shall provide the United States Trustee with copies of debtor's most recent audited

and unaudited financial statements.

12. CHANGE OF ADDRESS It is debtor's responsibility to notify the United States Trustee and the Bankruptcy Court of any change of address or telephone number within ten (10) days of the change. Notice to the Clerk and the United States Trustee must be in writing. Debtor may not receive notice of actions taken in the case if debtor fails to provide proper notice to the Clerk and the United States Trustee.

13. ADDITIONAL NOTICE REQUIREMENTS The United States Trustee must be advised immediately of any significant change in debtor's business. Significant changes include, but are not limited to, casualty or theft losses, changes in insurance coverage, or allegations of violations of laws, ordinances, or regulations, including but not limited to the failure to pay taxes, which could affect the continued operation of the Debtor's business.

14. QUARTERLY FEES A Chapter 11 debtor must pay a quarterly fee to the United States Trustee for each calendar quarter, or portion thereof, between the date of filing the petition and the date the court either enters a final decree closing the case, dismisses the case, or converts the case to another chapter in bankruptcy. Payment of all fees which are due and owing must be made before the effective date of a confirmed Plan of Reorganization. The quarterly fee is calculated by totaling debtor's disbursements as reported on the Monthly Financial Reports for the three-month calendar quarter, according to the following table. **A minimum fee of \$250 is due even if there are no disbursements during a calendar quarter. There is no proration of the fee:**

<u>TOTAL QUARTERLY DISBURSEMENTS</u>			<u>QUARTERLY FEE</u>
\$	0.00	to	\$ 250
\$	15,000.00	to	\$ 500
\$	75,000.00	to	\$ 750
\$	150,000.00	to	\$ 1,250
\$	225,000.00	to	\$ 1,500
\$	300,000.00	to	\$ 3,750
\$	1,000,000.00	to	\$ 5,000
\$	2,000,000.00	to	\$ 7,500
\$	3,000,000.00	to	\$ 8,000
\$	5,000,000.00	to	\$ 10,000
		and above	

Quarterly fees are due no later than one month following the end of each calendar quarter. Failure to pay quarterly fees may result in the conversion or dismissal of the case. The debtor receives a bill or statement form from the Executive Office for United States Trustees, Washington, D.C., for each calendar quarter, prior to the payment due date. These billings are estimates only,

based on financial information previously provided by the debtor to the Office of United States Trustee. The debtor is responsible for calculating the correct quarterly fee amount. A check for the quarterly fee, made payable to "United States Trustee," should be mailed with the tear-off portion of the statement form to:

**United States Trustee
P.O. Box 198246
Atlanta, Georgia 30384**

The address shown above is a lockbox at a bank. It may **NOT** be used for service of process, correspondence, or for any purpose other than payment of quarterly fees.

Debtor is responsible for timely payment of the quarterly fee. Failure to receive a bill from the Executive Office for United States Trustees does not excuse debtor from timely payment. Debtor's attorney may contact the Office of United States Trustee if there are any questions regarding quarterly fee forms or billing information.

15. QUARTERLY FEES AFTER CONFIRMATION OF PLAN Quarterly fees continue to accrue after the Plan of Reorganization has been confirmed. After confirmation, the debtor is required to submit proof of monthly disbursements, and to continue to pay quarterly fees following the same payment guidelines outlined in Paragraph 13 above. Debtor's attorney may contact the Office of United States Trustee if there are any questions regarding post-confirmation quarterly fee forms or billing information.

**AMENDMENTS TO OPERATING REQUIREMENTS
and
SOLICITATION OF COMMENTS AND SUGGESTIONS**

The United States Trustee reserves the right to revise, modify or amend these guidelines and requirements from time to time, and as is appropriate in an individual case. Comments or suggestions regarding these guidelines or other policies and procedures of the Office of United States Trustee are sought and appreciated and should be directed to the United States Trustee for Region 21 at the address shown below:

**C. DAVID BUTLER
UNITED STATES TRUSTEE
REGION 21
362 RICHARD RUSSELL BUILDING
75 SPRING STREET, S.W.
ATLANTA, GEORGIA 30303**

APPENDIX OF FORMS

INSTRUCTIONS FOR PREPARATION OF DEBTOR'S CHAPTER 11 MONTHLY FINANCIAL REPORT FOR BUSINESS

Debtors-in-Possession and Trustees must file with the Bankruptcy Court, and serve on the United States Trustee, financial reports reflecting the activities of debtor's business each month. These reports are to be submitted by the 20th of the month following the reporting period. The attached forms are to be used by debtors who use cash basis accounting. Debtors who use accrual accounting methods must contact the Office of the United States Trustee to determine the type of financial information to be submitted. The following comments are provided to assist in preparation of the forms provided by the United States Trustee.

CHAPTER 11 MONTHLY FINANCIAL REPORT

Item 1. - FUNDS AT BEGINNING OF PERIOD

For debtor's first report this will be the amount of cash-on-hand and funds in all bank accounts at the time of filing. For subsequent reports this will normally be the ending balance from the prior report.

Item 2.D - OTHER RECEIPTS

Note all receipts from all sources including, but not limited to, any loans received by the debtor.

ATTACHMENT 4 - MONTHLY BANK ACCOUNT SUMMARY

A separate attachment is required for each bank account, including savings accounts and negotiable instruments (e.g. certificates of deposit, money market accounts, stocks or bonds).

ATTACHMENT 5 - CHECK REGISTER

Itemize all checks written on all accounts. Debtors using computerized systems may submit computer-generated register. Include bank accounts used for credit card collections. In addition to the summary, a copy of each bank statement shall be submitted.

ATTACHMENT 6 - MONTHLY TAX REPORT

Note all payroll tax deposits made during the period and attach copies of the payroll tax receipts.

ATTACHMENT 7 - PROOF OF INSURANCE

This information must be submitted each month even if there has been no change in insurance coverage. If a new policy is issued, coverage is changed, limits are changed, or if there is any other

change in insurance coverage, a copy of the new certificate of insurance reflecting such changes must be attached.

The required reports with attachments should be stapled together and filed with the cover sheet showing the name, address and telephone number of debtor and debtor's attorney.

Failure to submit Monthly Reports will seriously jeopardize your case, and may result in the dismissal or conversion of your case to Chapter 7. If you have any questions regarding these reports your attorney cannot answer, your attorney should contact the attorney or bankruptcy analyst in the United States Trustee's Office who is assigned to your case.